

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14635 of MACMED Limited Partnership, pursuant to Section 3108.1 of the Zoning Regulations, for a special exception to establish minimum lot area and width (Section 401.3) for proposed new construction of a medical clinic in an R-5-A District at premises 4434 MacArthur Blvd., N.W., (Square 1356, Lot 31).

HEARING DATE: July 22, 1987

DECISION DATE: September 2, 1987

FINDINGS OF FACT:

1. The site is located on the southwest side of MacArthur Blvd., at the northwest corner of MacArthur Blvd. and Lingan Road, N.W. It is in an R-5-A District and is known as 4434 MacArthur Blvd., N.W. The site is northwest of the intersection of Foxhall Road and MacArthur Blvd.

2. The site is presently unimproved. It is triangular in shape and has an area of 4,215 square feet. The site has an average width of 49.2 feet. The property slopes down approximately five feet from the MacArthur Blvd. frontage to the rear of the property.

3. Adjacent to the site and across Lingan Road to the southeast is a small commercial strip zoned C-1 fronting on MacArthur Blvd., containing a three-story building housing a wine and cheese shop, a book publisher's office and a small appliance office/showroom. South of the subject site and across Lingan Road is a thirteen unit three-story townhouse development. Northwest and adjacent to the site is a twelve unit three-story townhouse development with the backyards of six units abutting the subject site. Across MacArthur Blvd. to the northeast and raised above the street are four two-story detached residences. The neighborhood along MacArthur Blvd. generally consists of two and three-story detached dwellings, townhouses, and apartments. The Psychiatric Institute of Washington is west of the twelve unit townhouse development mentioned above. With the exception of the adjacent commercial strip, the area is generally zoned R-5-A and R-1-R.

4. The applicant is requesting a special exception to establish the minimum lot area and lot width for the site, which is located in an R-5-A District. The proposed two story plus basement/cellar clinic will contain approximately

3,914 square feet of gross floor area, and virtually the entire lower level (basement/cellar) will be devoted to parking. Of this total, 3,128 square feet of space is allocated to clinic use. The clinic will accommodate up to three or four physicians or dentists in joint practice.

5. In BZA Order No. 13923, dated June 28, 1983, the Board granted identical relief for a similar proposal for a medical clinic on the site. The previous applicant did not proceed with the proposal.

6. The proposed project is within the 40 percent lot coverage requirement and meets the floor area ratio, height, side yard, and rear yard requirements of the Zoning Regulations. The proposed clinic is sensitively designed and landscaped.

7. Twelve parking spaces are provided on the site. Ten spaces (five of which would be located in a parking garage below grade) will be accessible from Lingan Road. Two additional surface parking spaces will be accessible from the existing curb cut on MacArthur Blvd.

8. The present standard for medical clinic space is 1,200 square feet per doctor (provided), with up to 1,500 square feet per doctor for some specialities. With a total clinic space of only 3,128 square feet, the number of doctors on site at any one time would be two to three, with a maximum of three on-site. The practice would have a maximum of five staff.

9. The doctors and staff at the site will utilize six parking spaces. Patients will visit the site at a rate of six per hour.

10. The proposed structure will be 886 feet smaller than the structure approved by BZA Order No. 13923 in order to provide more room on the site for parking.

11. There is additional on street parking available on MacArthur Blvd. On the northbound side of MacArthur, the street is marked for two hour residential parking from 7:00 A.M. to 6:30 P.M. from the corner of Foxhall, past the Psychiatric Hospital of Washington, and halfway to Q Street, N.W. There are no restrictions on parking during the evening peak. On the south side of MacArthur (heading into D.C.), the street is marked for residential parking after 9:30 A.M. There is no standing from 7 A.M. to 9:30 A.M. during the morning peak. There are a total of six to eight spaces between Lingan Road and the Psychiatric Institute of Washington.

12. Lingan Road is sixteen feet wide from MacArthur Blvd. to the approximate point of the proposed entrance to

the medical clinic at which point Lingan Road widens to 20 feet.

13. The applicant's expert traffic engineer testified that a 16 foot width is adequate for two vehicles to pass. He testified that today's maximum automobile width is a little over six feet. Given a traffic flow of six cars per hour, or one every 10 minutes, he determined that the 16 foot width was adequate.

14. By memorandum dated July 13, 1987, the Office of Planning (OP) recommended approval of the application as it contains the same elements related to use, lot area and lot width that were decided favorably by the Board in the previous application.

15. By letter dated July 15, 1987, Advisory Neighborhood Commission 3B reported that it voted to oppose the application and support the position of the MacArthur Blvd. residents. By testimony at the hearing, the ANC noted its opposition to the clinic due to traffic and parking conditions, and because of the width of Lingan Road. The ANC also stated that another, less intensive use, such as architectural office, was preferred to a medical clinic. The Board is required by statute to give "great weight" to the issues and concerns of the ANC reduced to writing. The board finds that the applicant's analyses and solutions concerning traffic and parking are responsive to the concerns raised by the ANC. The Board also finds that a medical clinic is a use permitted as a matter of right in the R-5-A District. The applicant has no burden of proof that the site cannot be used for other matter of right purposes. The Board notes that architects' offices are not permitted as a matter-of-right in the R-5-A District.

16. Two adjoining homeowners and the developers of the adjacent townhouse development appeared and testified in opposition at the hearing. Their basic objections related to their preference for residential development instead of the medical clinic use, traffic on Lingan Road, and the overall lack of parking in the area. The Board finds that the applicant is seeking a special exception regarding the appropriate lot area and width, to develop a medical clinic, which is a permitted use.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception under Section 401.3, which requires the Board to determine that the site's area and width are adequate for the proposed development, and that the requirements of Section 3108.1 would be met.

The clinic use is permitted as a matter-of-right in a R-5-A District. The R-5-A District does not set forth specific minimum requirements for lot area and lot width. Section 401.3 requires the Board to prescribe the lot area and the minimum lot width on a lot by lot basis for each development in the R-5-A District. The Board concludes that the applicant has met the burden of proof. The subject lot is adequate in area and width for the proposed facility. The proposed project, including the area and width of the lot, would meet the requirements of the Zoning Regulations if the property were located in the more restrictive R-4 District where a clinic is also permitted as a matter-of-right. The minimum permitted lot area in the R-4 District is 1,800 square feet and the minimum permitted lot width is 18 feet. The size and width of the subject site exceeds the requirements for all residential districts, except for the R-1 District. Therefore, the Board finds that the lot area and lot width of the subject site are appropriate for the R-5-A District. The proposed clinic shall meet or exceed all other height, bulk, density, and parking requirements of the Zoning Regulations.


The Board further concludes that the proposed use will not adversely effect the present character and future development of the area. The Board concludes that the proposed improvement on the subject property merits approval. The special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighborhood property in accordance with said regulations and maps. Accordingly, it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the plans marked as Exhibit No. 6 as modified by No. 18 of the record.
2. There shall be no signs on the subject building.
3. The operation shall be limited to three physicians and five technicians.
4. Any lighting used to illuminate the surface parking lot and underground parking garage shall be so arranged that all direct rays of such lighting are confined to the surface of the subject site.

VOTE: 5-0 (William F. McIntosh, Carrie L. Thornhill, Paula L. Jewell, and Charles R. Norris to grant; John G. Parsons to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: DEC 4 1987  
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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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